

**Statement of
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United States Department of Agriculture**

**Subcommittee on Forests and Forest Health
Committee on Resources
United States House of Representatives**

**on
April 25, 2001**

Concerning

H.R. 451, Mount Nebo Wilderness Boundary Adjustment Act

H.R. 434, Emigrant Wilderness in the Stanislaus National Forest

**H.R. 427, Watershed of the Little Sandy River as Part of the Bull Run
Watershed Management Unit**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today. I am Sally Collins, Associate Deputy Chief for National Forest System, USDA Forest Service. My comments today represent the views of the Administration on three bills: H.R. 451, a bill "To make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes"; H.R. 434, a bill "To direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of the 18 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, and for other purposes"; and H.R. 427, a bill "To provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes."

For reasons I will detail in my testimony, the Forest Service has some concerns with the management direction provided by these bills. However, the Department and the Forest Service would like to work with the Committee to resolve the issues these bills address and work toward outcomes that will serve our mutual interests. Today's hearing is an important step in beginning this process.

H.R. 451, "Mount Nebo Wilderness Boundary Adjustment Act"

H.R. 451 makes boundary adjustments to the Mount Nebo Wilderness area. Eight small areas within the Mount Nebo Wilderness, currently covered by special use permit authorizations for

water and mineral developments, would be removed from the wilderness. We recognize there are legitimate issues associated with these permitted uses. We want to work with you to resolve these, as well as, continue looking at existing statutes governing these facilities. We also recognize that when the Mount Nebo Wilderness was established in 1984 we may have overlooked some of these areas as maps were being developed.

If enacted, Section 5 of the bill would amend the Utah Wilderness Act of 1984 to further define water uses. We believe the term “systems” could be broadly interpreted and would be applied to all wilderness areas established by the Utah Wilderness Act. For these reasons we feel there may be unintended consequences that we would like to discuss with you further.

We are committed to working with Chairman Hansen, the Committee, and the permittees to resolve accessibility and management issues in the Mount Nebo Wilderness.

H.R. 434, Emigrant Wilderness in the Stanislaus National Forest, California

H.R. 434 would require the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of the 18 dams and weirs located within the boundaries of the Emigrant Wilderness in California. These small rock and mortar dams have deteriorated over time as maintenance levels have decreased. Some structures are in poor condition and are leaking significantly or have washed out and no longer function. The remaining structures are in fair to good condition. Because of the age and overall character of some dams, several are now eligible for listing on the National Register of Historic Places.

During the 1970's and 1980's, maintenance of the dams was shared between the Forest Service and the California Department of Fish and Game (CDFG). The last permit issued to CDFG for maintenance and operation was in 1975 and included the 11 structures that remain in fair to good condition. CDFG declined to participate in maintenance of the other seven structures. CDFG ceased maintaining or operating the eleven structures in 1988 when the permit expired.

The Stanislaus National Forest developed an environmental impact statement and record of decision in 1998 that outlined management direction for the Emigrant Wilderness. The decision document allowed for the continued maintenance of eight dams. Under that plan the ten other structures would not be maintained but would be allowed to deteriorate naturally over time. Except for Y Meadow Lake (which has no fish), no lakes would have been eliminated due to the eventual deterioration of these ten structures. The record of decision received 14 appeals and was vacated in 1999 by the Regional Forester.

On November 8, 2000 the Regional Forester and CDFG agreed to a joint strategy for future management of the dams. This strategy outlined the need to maintain the eight dams identified in the Emigrant Wilderness management direction.

Recently, Mr. Doolittle and Regional Forester Brad Powell have had constructive dialogue regarding the Emigrant Wilderness dams. We want this dialogue to continue and would be willing to work with the Committee, Mr. Doolittle, the State of California, and other interested parties to resolve this issue.

H.R. 427, “Watershed of the Little Sandy River”

H.R. 427, if enacted, would add approximately 2,900 acres of Federal land in the Little Sandy River watershed to the Bull Run Watershed Management Unit. Currently, the Bull Run Watershed Management Unit is composed of approximately 95,000 acres of national forest system land near Portland, Oregon. In addition, H.R. 427 would amend Public Law 95-200 to prohibit timber harvest activities and general public access to the entire Bull Run Watershed Management Unit including the 2,900 acres added to the unit by this bill. Forest related restoration management activities would be precluded on 8,600 acres of national forest and Bureau of Land Management (BLM) administered lands. This includes management options such as thinning or selective harvests to reduce fuel hazards in high fire-prone areas. These restrictions may not be warranted for the Little Sandy River watershed.

The Administration believes that existing forest plans provide significant protection for the health of the Little Sandy River watershed and preservation of future options. Specifically, the Little Sandy River watershed is designated a Tier 2 Key watershed. This designation emphasizes high water quality, as well as fish and watershed restoration.

The point of diversion where Portland draws its water from the Bull Run River is upstream from the confluence with the Little Sandy River. A water supply option study conducted by the City of Portland in 1992 dismissed the option of developing the Little Sandy as a municipal water source because of issues related to water rights, cost of development, limited capacity, and impacts to a variety of resources. Therefore, in the foreseeable future it is unlikely that the water of the Little Sandy will be used as a municipal water source. A Regional Water Supply Plan completed in 1996 by 27 water providers also dismissed the option of the Little Sandy Basin as a water supply source at that time but advocated protection. In addition, if municipal water rights were ever obtained for the Little Sandy River, the requirement under the Endangered Species Act (ESA) to maintain in-stream water flows for the recovery of Federally listed fish would probably restrict water depletion even for municipal use.

The Oregon Resources Conservation Act of 1996 (Division B of P.L. 104-208) directed the Secretary of Agriculture to study the portion of the Little Sandy River watershed within the Bull Run Watershed Management Unit. The Forest Service, in consultation with the City of Portland, a private citizen-based Provincial Advisory Committee, and other interested parties, completed the study and submitted it to Congress in 1998. The study recommended that the area continue to be managed under the direction of the NWFP. The reasons cited by the study are as follows:

- The Little Sandy River has not been and currently is not planned to be used to provide drinking water; and
- The waters of the Little Sandy River may be needed to provide for the needs of fish species being considered for listing under the ESA.

Since that time, both Chinook salmon and winter steelhead in the Sandy River Basin were listed under the ESA.

BLM has expressed concern with the terminology in section 3, Land Reclassification, and other references to land classification in H.R. 427, urging that the use of public lands classification terminology should remain consistent with existing usage and statutes.

There are many environmental safeguards already in place for the Little Sandy River and other sensitive watersheds in the Pacific Northwest. We would like to discuss the concepts put forward in this bill with the Committee to determine how we can meet the concerns of the Oregon delegation under existing authorities.

In conclusion, I want to re-emphasize that, although there are points of concern related to these three bills, both the Department and the Agency are committed to working cooperatively with the Committee and the bill sponsors toward solutions that will meet our mutual concerns and objectives.

This concludes my testimony. I would be happy to answer any questions that you may have.